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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U 338-E) for a Certificate of Public Convenience and Necessity Concerning the Antelope-Vincent 500 kV (Segment 2) and Antelope-Tehachapi 500 kV and 220 kV (Segment 3) Transmission Projects as Required by Decision 04-06-010 and as Modified by Subsequent Assigned Commissioner Ruling.

Application 04-12-008
(Filed December 9, 2004)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Pursuant to Rules 6(a)(3) and 6.3 of the Commission Rules of Practice and Procedure,¹ this ruling establishes the category, sets forth the scope and procedural schedule, and assigns the principal hearing officer for this proceeding following a prehearing conference (PHC) held before Assigned Commissioner Grueneich and Administrative Law Judge (ALJ) Halligan on April 27, 2006. It also addresses discovery, service, and other procedural issues for the proceeding. This ruling is appealable only as to the category of this proceeding under the procedures in Rule 6.4.

Background

Southern California Edison Company (SCE) has requested a certificate of public convenience and necessity (CPCN) to construct Segments 2 and 3 of the

¹ All citations to Rules refer to the Commission Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

Antelope Transmission Project. Segment 2 of the Antelope Transmission Project (also referred to as the Antelope-Vincent Transmission Project) consists of 21.5 miles of 500 kilovolt (kV) transmission line on a new right-of-way to be acquired over private land between SCE's existing 220 kV Antelope and Vincent substations in Los Angeles County, California. Segment 2 would also include electrical interconnections at the existing Antelope and Vincent Substations. Segment 3 of the Antelope Transmission Project consists of a new, 25.6 mile 500 kV transmission line between the Antelope Substation and a new substation (Substation One) in southern Kern County (the Antelope-Tehachapi Transmission Project). Segment 3 continues with a new, 9.6 mile 220 kV transmission line between Substation One and a second new substation, Substation Two, located in Kern County. Substation One would be a new 500/220/66 kV substation located near Cal Cement, approximately 7 miles west of the community of Mohave. Substation Two would be a new, 200/66 kV substation located near Monolith, approximately 3.5 miles east of the city of Tehachapi. Both substations are part of Segment 3 of the Antelope Transmission Project.

Application (A.) 04-12-008 was filed on December 9, 2004 pursuant to Ordering Paragraph 8 of Commission Decision (D.) 04-06-010, which required SCE to "file an application seeking a certificate authorizing construction of the first phase of Tehachapi transmission upgrades."² However, the

² By Ruling dated October 21, 2004, in Investigation (I.) 00-11-001, the Assigned Commissioner directed SCE to file two separate CPCN applications for the Tehachapi upgrades: one CPCN application for Segment 1 and one CPCN application for Segments 2 and 3.

December 9, 2005 filing was incomplete. SCE stated that an Amended Application, along with a complete Proponent's Environmental Assessment (PEA), would be filed on June 30, 2005.

At the Prehearing Conference held on May 25, 2005, SCE stated that the Amended Application and PEA had been further delayed and it expected to complete them by September, 2005.

SCE filed the Amended Application and PEA on September 30, 2005, replacing the original application. Responses to the Amended Application were filed by Anaverde, LLC. and Palmdale Hills Property, LLC. In addition, the Commission received many letter protests from concerned property owners with property in the vicinity of the proposed projects. SCE filed a reply to the responses on November 14, 2005.

Following a review and request for additional information from the Commission's Energy Division staff, Energy Division deemed the Supplemental Application and PEA complete on November 22, 2005.

Scoping Memo

The Commission has previously determined in D.04-06-010 that the "magnitude and concentration" of renewable resources identified in the California Energy Commission's (CEC) Renewable Resources Report justified a finding that "[T]he first phase of Tehachapi upgrades should be considered necessary to facilitate achievement of RPS³ goals established in Public Utilities

³ The Renewable Portfolio Standard, or "RPS" program was created by Senate Bill 1078, which, among other things, requires the state's investor-owned utilities (IOUs) to increase electrical generation from renewable resources by at least 1% per year, until renewables comprise 20% of total IOU procurement.

Code Section 399.14.” (D.04-06-010, *mimeo.*, p. 44.) However, the Commission stated that “the need determinations in individual CPCN proceedings will relate to the particular projects and upgrades associated with that specific proceeding. In this decision, we are making an initial need determination overall with respect to the necessary contribution of Tehachapi wind in general to meeting RPS goals. Thus, these need determinations are separate and severable.” (D.04-06-010, *mimeo.*, p. 17.)

The Commission also stated that “[t]he exact nature of the upgrades and the resource potential must still be established to determine if all of the resources can be developed in a way that is cost-competitive, taking into account transmission costs, and that Tehachapi projects are consistent with a best-fit procurement strategy.” (*Id.*, p. 16.) The Commission further stated that, “when a utility files a certificate application for Tehachapi upgrades, we will consider at that time the exact ratemaking treatment contemplated under Section 399.25 and will also address project financing, as well as any additions to the record regarding need, as necessary.” (*Id.*, p. 18.)

Consistent with the direction provided in D.04-06-010, the scope of this proceeding includes whether the proposed Antelope-Vincent and Antelope-Tehachapi Transmission Projects are “necessary” to facilitate achievement of RPS goals based, in part, on the results of the RPS procurement process and the GO 131-D considerations of alternatives to the proposed project. The Commission will also make Section 399.25(b)(1) findings regarding whether the transmission project will provide benefits to the transmission network.

SCE states that the proposed project would help to accommodate up to 4,400 megawatts (MW) of potential new wind generation in the Tehachapi Wind Resource Area north of the existing Antelope Substation. The 500 kV

transmission lines would initially operate at 220 kV and would serve to mitigate increasing loading on SCE's Antelope-Mesa 220 kV transmission lines. Segments 2 and 3 of the Antelope Transmission Project are part of SCE's plans to interconnect and integrate potential wind energy projects to SCE's electrical system. Segment 2 has the potential added benefit of improving overall electric system reliability by increasing capacity between the Antelope and Vincent Substations.

As of April 27, 2006, SCE indicated that it does not have any interconnection facilities agreements with any renewable resource project developers that would justify CPCN applications for Segments 2 and 3 of the Antelope Transmission Projects. Nevertheless, SCE states that it holds an obligation to interconnect and integrate wind generation facilities under Sections 210 and 212 of the Federal Power Act (16 U.S.C Section 824 (i) and (k)) and Sections 3.2 and 5.7 of the CAISO Tariff. SCE explains that the proposed project described in A.04-012-008 is based on knowledge of potential projects that have applied to the CAISO for interconnection or have participated in conceptual studies.

SCE also explains that its request for a CPCN for Segments 2 and 3 of the Antelope Transmission Project is conditioned on the establishment of clear cost recovery mechanisms in advance of construction. In its decision on SCE's Petition with the Federal Energy Regulatory Commission (FERC) for a declaratory order finding that the cost of Segments 2 and 3 of the Antelope Transmission Project is eligible for recovery in transmission rates,⁴ FERC granted

⁴ FERC Docket No. EL05-80.

SCE's request to recover all of its prudent costs, in the case of abandonment or cancellation of Segments 1 and 2 of the Antelope Transmission Project, but denied SCE's request for rolled-in rate treatment for Segment 3.⁵ In addition, despite FERC's decision allowing rolled-in rate treatment for Segment 2, SCE states that it remains at risk for disallowance of the costs of Segment 2 as well as Segment 3 on the basis that the size of the facilities was in excess of those necessary. Therefore, the scope of this proceeding includes SCE's request that the Commission find that the prudently incurred costs of Segments 2 and 3 of the Antelope Transmission Project qualify for recovery in retail rates under Section 399.25(b)(4).

The scope of this proceeding also encompasses the requirements of Pub. Util. Code §§ 1001, 1002 and the California Environmental Quality Act (CEQA). Section 1002 provides, in pertinent part, that the Commission, as a basis for granting any CPCN pursuant to § 1001, shall give consideration to the following factors: (1) community values, (2) recreational and park areas, (3) historical and aesthetic values, and (4) influence on environment.

The environmental impact report (EIR) to be prepared pursuant to CEQA must identify the significant effects on the environment of the project, identify alternatives to the project, and indicate the manner in which significant environmental effects can be mitigated or avoided. CEQA requires that the Commission cannot approve the proposed project or an alternative unless it mitigates or avoids the significant effects on the environment, or finds that economic, social, or other conditions make it infeasible to mitigate those effects,

⁵ 112 FERC ¶ 61,014 at pp. 2 and 61 (2005).

or that the agency is willing to accept potential significant effects because of the project benefits. The Commission's CEQA review process may generate alternatives for the Commission's consideration based on purpose and need. The CEQA review process also identifies potential land use conflicts and cumulative or growth-inducing impacts. Applicability of Pub. Util. Code § 625, regarding eminent domain, is also within the scope of this proceeding.

GO 131-D further prescribes that prior to issuing a CPCN, the Commission must find that the project is necessary to promote the safety, health, comfort, and convenience of the public. In addition, Section X of GO 131-D requires that the applicant describe the measures taken or proposed by the utility to reduce the potential exposure to EMFs generated by the proposed facilities in compliance with Commission order.

Issues surrounding general project cost-effectiveness, cost estimates and tradeoffs for alternative routes, right of way-acquisition costs, mitigation costs, and adoption of a cost cap are within the scope of this proceeding. In addition, SCE requests that the Commission issue a conclusion of law stating that if the FERC determines that the facilities are ineligible to be "recovered through general transmission rates," then the prudently incurred costs are eligible for recovery under Pub. Util. Code § 399.25(b)(4).

As discussed at the PHC, consistent with the direction provided in D.04-06-010, additional testimony is necessary in order to determine whether the Antelope-Vincent and Antelope-Tehachapi Transmission Line Projects are a reasonable investment for California's, and SCE's ratepayers. In order to grant a CPCN and § 399.25 cost recovery in the instant application, we must make an affirmative finding that the Antelope-Vincent and Antelope-Tehachapi Transmission Projects are necessary to facilitate the achievement of the RPS

goals. In order to make such a finding, we require additional evidence regarding the status of the utilities' compliance with the RPS requirements.

Finally, the scope of this proceeding will also include consideration of the adoption of some form of "trigger" mechanism whereby approval or construction of each phase of the Tehachapi upgrades would be triggered, consistent with D.04-06-010 and the Tehachapi Collaborative Study Group (TCSG) Report, ordered in D.04-06-010.⁶

Supplemental SCE Testimony

I direct SCE to file supplemental testimony in response to the following questions:

1. Has SCE entered into any interconnection agreements with renewable resources or other alternative energy developers that would utilize the Antelope-Vincent or Antelope-Tehachapi Transmission Projects?
2. Provide an update of the status of the CAISO Interconnection Queue. How many requests for System Impact Studies/Facilities Studies have been submitted to the CAISO by renewable resource developers that would utilize the Antelope-Vincent or Antelope-Tehachapi Transmission Projects, including the number of requests, number of projects, project size, and location in the queue?
3. How many bids or offers has SCE received from wind projects or other alternative energy developers located in the Tehachapi area through the RPS process, including offers in response to SCE's interim solicitation, RPS solicitations, bilateral negotiations and unsolicited inquiries?

⁶ The First and Second TCSG Reports were filed in March 2005, and on April 19, 2006, respectively.

4. How many interconnection study requests has SCE received from new renewable resources seeking to utilize the Antelope-Vincent or Antelope-Tehachapi Transmission Projects?
5. How many requests for transmission cost studies has SCE received as part of the RPS process for projects that would utilize the Antelope-Vincent or Antelope-Tehachapi Transmission Projects?
6. How much capacity (total MW for all offers received) has been offered to SCE, PG&E and SDG&E from Tehachapi-area wind projects to date?
7. Have any Tehachapi-area renewable resource projects signed contracts with SCE, PG&E, SDG&E as part of the utilities' RPS compliance efforts?
8. Do the most recent RPS plans filed by the investor-owned utilities incorporate projects that would utilize the Antelope-Vincent or Antelope-Tehachapi Transmission Projects in meeting their RPS requirements?
9. How many bids or offers have PG&E and SDG&E received from wind projects or other alternative energy developers located in the Tehachapi area through the RPS process, including both offers in response to PG&E's and SDG&E's 2004 RPS solicitations and unsolicited inquiries?

Schedule

Pub. Util. Code § 1701.5 provides that in a ratesetting proceeding the issues raised in the scoping memo are to be resolved within 18 months from the date of the issuance of the scoping memo. I anticipate that completion of this proceeding will occur within 18 months. The schedule adopted below is driven by statutory requirements contained in CEQA and the Public Utilities Code while affording interested parties a fair opportunity to participate in the proceeding. Any changes to the schedule will be reflected in subsequent rulings.

Amended Application filed	September 30, 2005
Application deemed complete.....	November 22, 2005
Prehearing Conference.....	April 27, 2006
Notice of Preparation issued.....	April 27, 2006
CEQA scoping meetings.....	May, 2006
Scoping Memo issued	June, 2006
SCE supplemental testimony	July 25, 2006
Draft EIR released.....	August, 2006
Public Participation Hearings.....	August, 2006
All other direct testimony.....	August 29, 2006
SCE reply testimony	September 22, 2006
Evidentiary hearings	October 4-5, 2006, as necessary
Concurrent opening briefs	October 25, 2006
Concurrent reply briefs and submission of record.....	November 8, 2006
Final EIR released	December, 2006
Proposed Decision on CPCN/ Certifying Final EIR.....	December, 2006
Final Decision on CPCN/Certifying Final EIR.....	January, 2007

Evidentiary hearings will take place at the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102. Public Participation Hearings will be held in the affected communities. Details regarding locations for Public Participation Hearings are still under discussion

and will be verified in subsequent rulings. The ALJ may schedule a second PHC prior to the evidentiary hearings.

Pursuant to Rule 8(d), parties requesting final oral argument before the Commission should include that request in their concurrent opening briefs.

Categorization, Need for Hearings, Ex Parte Rules, and Designation of Principal Hearing Officer

The Commission issued a preliminary finding in Resolution ALJ 176-3145, issued on January 13, 2005, that the category for the proceeding is ratesetting and that hearings are necessary. No party has disputed the Commission's preliminary categorization of this proceeding, and I affirm the preliminary categorization of ratesetting and the need for hearing. The ex parte rules as set forth in Rule 7(c) and § 1701.3(c) and the reporting provisions of Rule 7.1 apply to the proceeding.

In a ratesetting proceeding, Rule 5(k)(2) defines the presiding officer as the principal hearing officer designated as such by the assigned Commissioner prior to the first hearing in the proceeding. I have designated Administrative Law Judge (ALJ) Julie Halligan as the principal hearing officer. The provisions of § 1701.3(a) apply.

Service and Mailing Lists

Two separate lists will be maintained related to each application: an official service list and an environmental review mailing list. The official service list for this proceeding is now available on the Commission's web site (www.cpuc.ca.gov). Parties should confirm that their information on the service list and the comma-delimited file is correct, and serve notice of any errors on the Commission's Process Office, the service list, and the ALJ. As mentioned at the PHC, the Commission's new electronic service rules shall apply to this

proceeding. Parties serving documents in this proceeding shall follow Rules 2.3 and 2.3.1. Any documents served on the ALJ and Assigned Commissioner's office shall be both by e-mail and by delivery or mailing a copy of the document.

The official service list has three categories: Appearances, State Service, and Information Only. Those who are not already parties, but who wish to participate in this proceeding as parties, must make their request by written motion to intervene. Those not already participating, but who wish to participate as nonparties and who want notice of hearings, rulings, proposed decisions, and decisions issued by the Commission may request that their names be added to the service list in the Information Only or State Service category by sending an e-mail to ALJ Halligan (jmh@cpuc.ca.gov).

In addition to the official service list, the Energy Division will maintain a separate environmental review mailing list for the application. All persons who filed protests or submitted correspondence to the Commission will be placed on the Energy Division's environmental review mailing list for this proceeding. For additions or changes to the environmental review mailing list, please contact the Energy Division Project Hotline at 650-240-1720. All persons on the environmental review mailing list will be notified of environmental review activities, including public scoping meetings. They will also be notified of the public participation hearings. If your interest in this proceeding relates to the preferred route(s) of SCE's proposed projects, development of alternatives to the proposed projects, or other aspects of the environmental review of the projects, you should be on the environmental review service list.

Parties submitting comments in the environmental review process must follow the instructions included with the environmental document that is being commented on in order for their comments to be incorporated into the

administrative record. Comments on environmental documents should not be addressed to the ALJ, the Assigned Commissioner, or other Commissioners, or filed with the Docket Office. Comments in the environmental review process do not need to be served on other parties in this case.

Intervenor Compensation

A second PHC in this matter was held on April 27, 2006. Pursuant to § 1804(a)(1), a customer who intends to seek an award of compensation should have filed and served a notice of intent to claim compensation no later than May 27, 2006.

Assistance in Participation in Commission Proceedings

The Commission has a Public Advisor who can assist persons who have questions about the Commission's decisionmaking process and how to participate in Commission proceedings. You can contact the Public Advisor's office by mail at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102 or by e-mail at public.advisor@cpuc.ca.gov. The toll-free telephone number is 866-849-8390.

Discovery

Parties may commence discovery at any time. Parties should raise any discovery disputes according to the procedure outlined in Resolution ALJ-164.

Therefore, **IT IS RULED** that:

1. The scope of this proceeding includes the following as to the proposed project using Southern California Edison Company's (SCE) preferred routes and configurations for the Antelope-Vincent and Antelope-Tehachapi Transmission Projects, alternative routes and configurations, the no project alternative, and non-wires alternatives.

- Need for the project (Pub. Util. Code §§ 1001 and 399.11).

- Consideration of the following factors contained in Pub. Util. Code § 1002:
 - 1) Community values;
 - 2) Recreational and park areas;
 - 3) Historical and aesthetic values; and
 - 4) Influence on the environment
 - Consideration of whether, pursuant to General Order (GO) 131-D, the project promotes the safety, health, comfort, and convenience of the public.
 - Consideration, pursuant to GO 131-D and other Commission Decisions, of measures to reduce the potential exposure to electric and magnetic fields (EMFs) generated by the proposed facilities.
 - Consideration, pursuant to the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*), of significant effects on the environment of the project, alternatives to the project, the manner in which significant environmental effects can be mitigated or avoided, and whether economic, social or other conditions make it infeasible to mitigate significant effects on the environment.
 - Consideration of the ratemaking treatment for the project under Section 399.25.
 - Consideration of the adoption of some form of “trigger” mechanism whereby approval or construction of Segments 2 and 3 of the Antelope Transmission Project would be triggered.
 - Impacts on the transmission grid and other transmission users.
 - Cost effectiveness and cost allocation.
 - Costs, and the advisability and amount of a cap on project costs.
2. The schedule of this proceeding is as set forth above in this ruling.

3. SCE supplemental testimony regarding need issues, as described herein, shall be served no later than July 25, 2006.

4. This ruling confirms the Commission's preliminary finding in Resolution ALJ-76-3145, issued on January 13, 2005, that the category for this proceeding is ratesetting and that hearings are necessary. This ruling, only as to category, is appealable under the procedures in Rule 6.4.

5. The ex parte rules as set forth in Rule 7(c) of the Commission Rules of Practice and Procedure and Pub. Util. Code § 1701.3(c) and the reporting requirements of Rule 7.1 apply to this proceeding.

6. Administrative Law Judge Halligan is the principal hearing officer.

7. Parties shall follow the discovery, filing, service, and service list rules as set forth herein.

Dated June 15, 2006, at San Francisco, California.

/s/ DIAN M. GRUENEICH

Dian M. Grueneich
Assigned Commissioner

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated June 15, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

***** SERVICE LIST *****

Last Update on 05-JUN-2006 by: SMJ
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